# State Intellectual Property Office of People's Republic of China

ZIP CODE: 100080  16/F.,Zhongke Buildi Roa Haidian District, Be	d,	Exam Wenqu ZHAN	ian
Application No. 00102737.9	Department &Classification of N 2-D	otice:	Issuing Date: January 17 ,2003
Patent Agent:汪惠民			
Applicant: Matsushit	a Electric Works, Ltd	l.	
Title of Invention:			

1.	The examiner has received a response submitted by the applicant to the First Office Action on 06/12/2002
	(day/month/year), and continued the substantive examination of the above-mentioned application on the basis of the
	response.
	The examiner has continued to proceed the substantive examination of the above-mentioned application pursuant to
	the Reexamination Decision of the Patent Reexamination Board.
2.	The continued examination is proceeded based on the following specification of the subject application:
	The amended specification attached to the above-mentioned response.
	The specification on which the First Office Action is based and the replacement sheets of amended specification
	submitted with the above-mentioned response.
	Specification on which the First Office Action is based.
	☐ Specification on which the reexamination decision is based.
3.	No new reference documents have been cited in this office action.
	The following reference documents have been cited in this office action (their serial numbers follow those cited in
the	first office action and will be referred to in the ensuing examination procedure).

Serial No.	Reference document (Number or Title )	Publication Date ( or Filing date of interference Patent application )	
1	US5069419	December 3, 1991	
2	JP7286258	October 31, 1995	
3	US5529279	June 25, 1996	
4	US5681024	October 28, 1997	

L		October 28, 1777	
4. The	onclusive opinion of the examination is as following:		
$\boxtimes$	ne description:		
	☐ The amendments of the description are not in conformity with the	provisions of Articles 33 of the Chinese	3
Patent La	<i>.</i> .		
	The subject matter of the application falls into the scope on which no	patent right shall be granted defined by	,
Article 5	f the Chinese Patent Law.		

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.
The description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the
Chinese Patent Law.
the claims:
No(s)is/are not in conformity with the provisions of Article 33 of the Chinese Patent Law
No(s)fall(s) into the scope on which no Patent right shall be granted defined by Article 25 c
the Chinese Patent Law.
No(s)is/are not in conformity with the definition of Invention described by Rule2, paragrap
I of the Implementing Regulations of the Chinese Patent Law.
No(s)do/does not process no novelty defined by Article 22(2) of the Chinese Patent Law.
No(s) 1,5,7-14,22-29,32,33,41,42,45 do/does not process no inventiveness defined by Article
22(3) of the Chinese Patent Law.
No(s)do/does not process no practical applicability defined by Article 22(4) of the Chines
Patent Law.
No(s)is/are not in conformity with the provisions of Article 26(4) of the Chinese Patent Law
No(s)is/are not in conformity with the provisions of Article 31(1) of the Chinese Patent Law
No(s)is/are not in conformity with the provisions of Rules 20 to 23 of the implementing
Regulations of the Chinese Patent Law.
No(s)is/are not in conformity with the provisions of Rule 12(1) of the Implementing
Regulations of the Chinese Patent Law.
The detail analyses for above conclusive opinion is described in the text of this office action.
<ul><li>On the basis of the above conclusive opinion, the examiner holds that:</li><li>The applicant should make amendments in accordance the requirements described in the text of this office action.</li></ul>
The applicant should expound reasons for that the above-mentioned patent application can be granted the patent right
and make amendments to the specification which is not in conformity with the provisions as described in the text of
this office action; otherwise the patent application shall be rejected.
The patent application does not possess any substantive patentable contents, thus, the application shall be rejected
the applicant fails to expound reasons or the reasons expounded are not sufficient.
6. The applicant shall pay much attention to the following matters:
(1) According to the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within two
months from the date of receiving this office action. If the applicant fails to meet the time limit without an
justified reason, the application shall be deemed to have been withdrawn.
(2) The amendment(s) made by the applicant shall be in conformity with the provisions of Article 33 of the Chines
Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law. The amended document
shall be submitted in duplicate and the format of which should be in accordance with the relevant provisions of the
Examination Manual.
(3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the
SIPO, and any documents which is not mailed or submitted to the Receiving Department does not possess leg
effect.
(4) The applicant and/or his (its) agent shall not come to the SIPO to interview with examiners without an appointment
7. The text of this office action consists of a total of sheets, and is accompanied by the following annexes:
☑A copy of the cited reference documents consisting of _4sets and _5sheets.

# 中华人民共和国国家知识产权局

邮政编码: 100080

2266

(无审查业务专用章 不具备法律效力)

### 第二次审查意见通知书

- 1. 図 审查员已收到申请人针对国家知识产权局专利局发出的第二次审查意见通知书于 2002 年 12 月 06 日 提交的意见陈述书,在此基础上审查员对上述专利申请继续进行实质审查。
  - □ 根据国家知识产权局专利局专利复审委员会于\_\_\_\_年\_月\_日作出的复审决定、审查员对上述专利申请继续进行实质审查。
- 2. 继续审查是针对下述申请文件进行的:
  - □ 上述意见陈述书中所附的经修改的申请文件。
  - ☑ 前次审查意见通知书所针对的申请文件以及上述意见陈述书中所附的经修改的申请文件替换页。
  - □ 前次审查意见通知书所针对的申请文件。
  - □ 上述复审决定所确定的申请文件。
- 3. □ 本通知书未引用新的对比文件
  - 図 本通知书引用下述对比文献(其编号续前,并在今后的审查过程中继续沿用):

编号	文件 号或名称	公 开 日 期 (或抵触申请的申请目)
1	US5069419	1991年12月3日
2	JP7286258	1995年10月31日
3	US5529279	1996年6月25日
4	US5681024	1997年10万28日
		年月 日

- 4. 审查的结论性意见:
  - ☑ 关于说明书:
    - □ 说明书的修改不符合专利法第 33 条的规定。
    - □ 申请的内容属于专利法第5条规定的不授予专利权的范围。
    - □ 说明书不符合专利法第 26 条第 3 款的规定。
    - 図 说明书的撰写不符合实施细则第 18 条的规定。

北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

回函请寄: 100088

	⊠ 关于权利要求书:
	□ 权利要求的修改不符合专利法第 33 条的规定。
	□ 权利要求属于专利法第 25 条规定的不授予专利权的范围。
	□ 权利要求不符合实施细则第 2 条第 1 款关于发明的定义。
	□ 权利要求不具备专利法第 22 条第 2 款规定的新颖性。
	図 权利要求 1, 5, 7-14, 22-29, 32, 33, 41, 42, 45 不具备专利法第 22 条第 3 款规定的创造性。
	□ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
	□ 权利要求不符合专利法第 26 条第 4 款的规定。
	□ 权利要求不符合专利法第 31 条第 1 款的规定。
	☑ 权利要求 上不符合实施细则第 20 条至第 23 条的规定。
	□ 权利要求不符合专利法第 9 条的规定。
	□ 权利要求不符合实施细则第 12 条第 1 款的规定。
	上述结论性意见的具体分析见本通知书的正文部分。
5.	基于上述结论性意见,审查员认为:
	□ 申请人应按照通知书正文部分提出的要求,对申请文件进行修改。
	☑ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由,并对通知书正文部分中指出的不符合
	规定之处进行修改,否则该申请将被驳回。
	□ 专利申请中没有可以获得专利权的实质性内容,如果申请人没有充分的理由说明其申请可以被授予专利
	权,该申请将被驳回。
6.	申请人应注意下述事项:
	(1) 根据专利法第37条的规定,申请人应在收到本通知书之目起的_贰_个月内陈述意见,如果申请人无正当
	理由逾期不答复,该申请将被视为撤回。
	(2) 申请人对该申请的修改应符合专利法第 33 条和实施细则第 51 条的规定,修改文本应一式两份,并且格
	式应符合审查指南的有关规定。
	(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处,凡未邮寄或递交给受
	理处的文件不具备法律效力。
	(4) 未经预约,申请人和/代理人不得前来国家知识产权局专利局与审查员举行会晤。
7.	本通知书正文部分共有2页,并附有下述附件:
	⊠ 引用的对比文件的复印件共业份 乏页。

6.

7.

审查员在阅读了申请人提交的意见陈述书和经过修改的申请文件后,对本案继续进行审查,再次提出如下审查意见。

#### ☆.关于权利要求书

权利要求 1 请求保护一种半导体装置。作为一产品权利要求,应当写明其结构、连接关系等特征,目前权利要求 1 中对某些结构如"可挠区域"的描述只是一种功能性限定,未能说明其具体结构和与其他部分之间如何联系,缺少实现本发明的必要技术特征,本领域技术人员根据权利要求 1 无法实现本发明目的,因此,不符合专利法实施细则第 21 条第 2 款的规定。

因此就目前权利要求 1 中功能性内容而言,其所要求保护的技术方案也不具备专利法第 22 条第 3 款规定的创造性。对比文件 1 (US5069419)公开了一种半导体微驱动器,并具体公开了以下的技术特征"一种半导体装置,由半导体基板、柔性区域、在所述半导体基板和所述可挠区域之间设置的连接所述半导体基板和所述可挠区域的树脂制的热绝缘区域构成"(参见对比文件 1 的附图和全文)。与权利要求的区别是:"根据温度变化相对于所述半导体基板变位",这在本领域来说属于公知的常识,由此可见,在对比文件 1 的基础上结合公知常识得出该权利要求所要求保护的技术方案,对所述技术领域的技术人员来说是显而易见的,而且两者的结合没有产生预料不到的技术效果,因此该权利要求所要求保护的技术方案不具备突出的实质性特点和显著的进步,因而不具备创造性。

从属权利要求 5, 7-14, 22-28 限定部分的附加技术特征同样已在对比文件 1 中公开(参见对比文件 1 的附图和全文),且它们对实现本发明目的所起的作用与其在申请文本中所起的作用相同。由此可知,在对比文件 1 的基础上得出这些权利要求所要求保护的技术方案,对本领域的技术人员来说是显而易见的,而且它们的结合没有产生预料不到的效果,因此当它们引用的权利要求由于不具备创造性而不能被接受时,这些权利要求所要求保护的技术方案不具备突出的实质性特点和显著的进步,因而不具备专利法第 22 条第 3 款所规定的创造性。

同理,权利要求 29,32,33 因对比文件 2(JP7286258),对比文件 3(US5529279),对比文件 4(US568IO24)(参见对比文件 2-4的附图和全文)

公开了一种微驱动器和微阀而不具备创造性。

权利要求 41, 42, 45 因对比文件 1-4 的公开也不具备创造性。

### ☆.关于说明书

本申请的发明名称字数太多,不符合实施细则第 18 条第 1 款第 (一)项的规定(参见审查指南第二部分第二章第 2.2.1 节)。申请人应当将发明名称限制在 25 个字以内。

说明书摘要文字部分出现的附图标号应该加括号,以满足专利法实施细则 第 24 条的有关规定。

#### ☆.结论

申请人应在本通知书规定的答复期限内作出答复,并根据本通知书的意见对专利申请文件作出修改,尤其是应根据本通知书修改独立权利要求以及相应的从属权利要求,并在意见陈述书中论述其能取得专利权的理由。申请人对申请文件的修改应当符合专利法第 33 条实施细则第 51 条的规定,不得超出原说明书和权利要求书的记载范围。但是,审查员提醒申请人注意的是:如果申请人拒绝修改或者没有合理理由解释本发明能够克服权利要求缺乏必要技术特征和创造性,本申请将被驳回。

→ 对于申请文本的修改,尤其是对于权利要求书的修改,申请人应该在意见陈述书中指明其修改基础或者在原说明书出处。

另外,申请人在提交修改文本时应当提交:第一,修改涉及的那一部分原文的复印件,采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换;第二,重新打印的替换页,用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员: 張立泉

: (010) 6209-3796